

By: Representative Banks

To: Corrections; Judiciary B

HOUSE BILL NO. 638

1 AN ACT TO AMEND SECTION 47-7-3, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT AN OFFENDER WHO HAS COMMITTED A CRIME OF VIOLENCE ON  
3 OR AFTER JULY 1, 1995, BUT BEFORE JULY 1, 2014, MAY BE PAROLED BY  
4 THE PAROLE BOARD IF THE SENTENCING JUDGE AUTHORIZES THE OFFENDER  
5 TO BE ELIGIBLE FOR PAROLE CONSIDERATION AFTER THE OFFENDER HAS  
6 SERVED A CERTAIN NUMBER OF YEARS OF HIS OR HER SENTENCE; AND FOR  
7 RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1.** Section 47-7-3, Mississippi Code of 1972, is  
10 amended as follows:

11 47-7-3. (1) Every prisoner who has been convicted of any  
12 offense against the State of Mississippi, and is confined in the  
13 execution of a judgment of such conviction in the Mississippi  
14 Department of Corrections for a definite term or terms of one (1)  
15 year or over, or for the term of his or her natural life, whose  
16 record of conduct shows that such prisoner has observed the rules  
17 of the department, and who has served not less than one-fourth  
18 (1/4) of the total of such term or terms for which such prisoner  
19 was sentenced, or, if sentenced to serve a term or terms of thirty  
20 (30) years or more, or, if sentenced for the term of the natural



21 life of such prisoner, has served not less than ten (10) years of  
22 such life sentence, may be released on parole as hereinafter  
23 provided, except that:

24 (a) No prisoner convicted as a confirmed and habitual  
25 criminal under the provisions of Sections 99-19-81 through  
26 99-19-87 shall be eligible for parole;

27 (b) Any person who shall have been convicted of a sex  
28 crime shall not be released on parole except for a person under  
29 the age of nineteen (19) who has been convicted under Section  
30 97-3-67;

31 (c) (i) No person shall be eligible for parole who  
32 shall, on or after January 1, 1977, be convicted of robbery or  
33 attempted robbery through the display of a firearm until he shall  
34 have served ten (10) years if sentenced to a term or terms of more  
35 than ten (10) years or if sentenced for the term of the natural  
36 life of such person. If such person is sentenced to a term or  
37 terms of ten (10) years or less, then such person shall not be  
38 eligible for parole. The provisions of this paragraph (c)(i)  
39 shall also apply to any person who shall commit robbery or  
40 attempted robbery on or after July 1, 1982, through the display of  
41 a deadly weapon. This paragraph (c)(i) shall not apply to persons  
42 convicted after September 30, 1994;

43 (ii) No person shall be eligible for parole who  
44 shall, on or after October 1, 1994, be convicted of robbery,  
45 attempted robbery or carjacking as provided in Section 97-3-115 et



46 seq., through the display of a firearm or drive-by shooting as  
47 provided in Section 97-3-109. The provisions of this paragraph  
48 (c)(ii) shall also apply to any person who shall commit robbery,  
49 attempted robbery, carjacking or a drive-by shooting on or after  
50 October 1, 1994, through the display of a deadly weapon. This  
51 paragraph (c)(ii) shall not apply to persons convicted after July  
52 1, 2014;

53 (d) No person shall be eligible for parole who, on or  
54 after July 1, 1994, is charged, tried, convicted and sentenced to  
55 life imprisonment without eligibility for parole under the  
56 provisions of Section 99-19-101;

57 (e) No person shall be eligible for parole who is  
58 charged, tried, convicted and sentenced to life imprisonment under  
59 the provisions of Section 99-19-101;

60 (f) No person shall be eligible for parole who is  
61 convicted or whose suspended sentence is revoked after June 30,  
62 1995, except that an offender convicted of only nonviolent crimes  
63 after June 30, 1995, may be eligible for parole if the offender  
64 meets the requirements in subsection (1) and this paragraph. In  
65 addition to other requirements, if an offender is convicted of a  
66 drug or driving under the influence felony, the offender must  
67 complete a drug and alcohol rehabilitation program prior to parole  
68 or the offender may be required to complete a post-release drug  
69 and alcohol program as a condition of parole. For purposes of  
70 this paragraph, "nonviolent crime" means a felony other than



71 homicide, robbery, manslaughter, sex crimes, arson, burglary of an  
72 occupied dwelling, aggravated assault, kidnapping, felonious abuse  
73 of vulnerable adults, felonies with enhanced penalties, the sale  
74 or manufacture of a controlled substance under the Uniform  
75 Controlled Substances Law, felony child abuse, or exploitation or  
76 any crime under Section 97-5-33 or Section 97-5-39(2) or  
77 97-5-39(1) (b), 97-5-39(1) (c) or a violation of Section  
78 63-11-30(5). In addition, an offender incarcerated for committing  
79 the crime of possession of a controlled substance under the  
80 Uniform Controlled Substances Law after July 1, 1995, shall be  
81 eligible for parole. An offender incarcerated for committing the  
82 crime of sale or manufacture of a controlled substance shall be  
83 eligible for parole after serving one-fourth (1/4) of the sentence  
84 imposed by the trial court. This paragraph (f) shall not apply to  
85 persons convicted on or after July 1, 2014;

86 (g) (i) No person who, on or after July 1, 2014, is  
87 convicted of a crime of violence pursuant to Section 97-3-2, a sex  
88 crime or an offense that specifically prohibits parole release,  
89 shall be eligible for parole. All persons convicted of any other  
90 offense on or after July 1, 2014, are eligible for parole after  
91 they have served one-fourth (1/4) of the sentence or sentences  
92 imposed by the trial court.

93 (ii) Notwithstanding the provisions in paragraph  
94 (i) of this subsection, a person serving a sentence who has  
95 reached the age of sixty (60) or older and who has served no less



96 than ten (10) years of the sentence or sentences imposed by the  
97 trial court shall be eligible for parole. Any person eligible for  
98 parole under this subsection shall be required to have a parole  
99 hearing before the board prior to parole release. No inmate shall  
100 be eligible for parole under this paragraph of this subsection if:

101 1. The inmate is sentenced as a habitual  
102 offender under Sections 99-19-81 through 99-19-87;

103 2. The inmate is sentenced for a crime of  
104 violence under Section 97-3-2;

105 3. The inmate is sentenced for an offense  
106 that specifically prohibits parole release;

107 4. The inmate is sentenced for trafficking in  
108 controlled substances under Section 41-29-139(f);

109 5. The inmate is sentenced for a sex crime;  
110 or

111 6. The inmate has not served one-fourth (1/4)  
112 of the sentence imposed by the court.

113 (iii) Notwithstanding the provisions of paragraph  
114 (1)(a) of this section, any offender who has not committed a crime  
115 of violence under Section 97-3-2 and has served twenty-five  
116 percent (25%) or more of his sentence may be paroled by the parole  
117 board if, after the sentencing judge or if the sentencing judge is  
118 retired, disabled or incapacitated, the senior circuit judge  
119 authorizes the offender to be eligible for parole consideration.



120                   (iv) Notwithstanding the provisions of paragraph  
121 (1) (a) of this section, any offender who has been convicted of a  
122 crime of violence, as prescribed under Section 97-3-2, on or after  
123 July 1, 1995, but before July 1, 2014, and such offender is  
124 confined in the execution of a judgment of such conviction in the  
125 Department of Corrections, an he or she has a record of conduct  
126 that shows the offender has observed the rules of the department  
127 and has served not less than ten (10) years for which such  
128 offender is sentenced or if he or she is sentenced for the term of  
129 the natural life of such offender and has served not less than ten  
130 (10) years of such life sentence, then such offender may be  
131 released by the parole board if, after the sentencing judge, or if  
132 the sentencing judge is retired, disabled or incapacitated, the  
133 senior circuit judge authorizes the offender to be eligible for  
134 parole consideration.

135           (2) Notwithstanding any other provision of law, an inmate  
136 shall not be eligible to receive earned time, good time or any  
137 other administrative reduction of time which shall reduce the time  
138 necessary to be served for parole eligibility as provided in  
139 subsection (1) of this section.

140           (3) The State Parole Board shall, by rules and regulations,  
141 establish a method of determining a tentative parole hearing date  
142 for each eligible offender taken into the custody of the  
143 Department of Corrections. The tentative parole hearing date  
144 shall be determined within ninety (90) days after the department



145 has assumed custody of the offender. The parole hearing date  
146 shall occur when the offender is within thirty (30) days of the  
147 month of his parole eligibility date. The parole eligibility date  
148 shall not be earlier than one-fourth (1/4) of the prison sentence  
149 or sentences imposed by the court.

150 (4) Any inmate within twenty-four (24) months of his parole  
151 eligibility date and who meets the criteria established by the  
152 classification board shall receive priority for placement in any  
153 educational development and job training programs that are part of  
154 his or her parole case plan. Any inmate refusing to participate  
155 in an educational development or job training program that is part  
156 of the case plan may be in jeopardy of noncompliance with the case  
157 plan and may be denied parole.

158 **SECTION 2.** This act shall take effect and be in force from  
159 and after July 1, 2018.

